

## FREEDOM IN THE WORLD 2018

# The Bahamas

FREE

**91**  
/100

<u>Political Rights</u>	<b>38</b> /40
<u>Civil Liberties</u>	<b>53</b> /60

## LAST YEAR'S SCORE &amp; STATUS

**91 /100    Free**

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



# Overview

The Bahamas are a stable democracy where political rights and civil liberties are generally respected. However, the islands have a relatively high homicide rate, and migrants do not always receive due process under the law.

## Key Developments in 2017

- The opposition Free National Movement (FNM) party won general elections held in May, and FNM leader Hubert Minnis became the new prime minister.
- A wave of harsh immigration raids took place after Minnis announced a December 31 deadline for irregular migrants to obtain regular status.
- Rights groups reported that a number of migrants were detained without being granted access to legal counsel, and that many of their cases were not heard by a judge within the legally required 48 hours.
- A long-awaited Freedom of Information Act was approved, but it lacked some key provisions, including whistleblower protections.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

**Was the current head of government or other chief national authority elected through free and fair elections?**

**4/4**

The Bahamas are governed under a parliamentary system, and the governor general is appointed by the British monarch as head of state. The prime minister is head of government, and is appointed by the governor general; the office is usually held by the leader of the largest party in parliament or head of a parliamentary coalition. Hubert

Minnis became prime minister following the victory of the FNM in May 2017 legislative elections.

**A2** 0-4 pts

**Were the current national legislative representatives elected through free and fair elections?**

**4/4**

Members of the lower house of the bicameral Parliament, the 39-member House of Assembly, are directly elected to five-year terms. The 16 members of the Senate are appointed for five-year terms by the governor general based on recommendations made by the prime minister and the opposition leader.

In general elections held in May 2017, the ruling Progressive Liberal Party (PLP) was defeated by the FNM, which won 35 out of 39 seats in the House of Assembly; Minnis, the FNM leader, was then appointed prime minister. International monitors praised the electoral process, but expressed concern about an outdated voter registration system, and the replacement of the Parliamentary Commissioner and the redrawing of electoral districts just before the polls.

**A3** 0-4 pts

**Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?**

**4/4**

The electoral process is regulated by the Parliamentary Elections Act and managed by the Parliamentary Registration Department. The Parliamentary Commissioner heads the Department and is appointed by the governor general acting on the recommendation of the prime minister after consultation with the opposition leader. In 2017, international monitors expressed concern about the designation of a new Parliamentary Commissioner just days prior to the elections

The delimitation of electoral boundaries was approved just a few months before the elections took place. International observers expressed concern that the setting of boundaries so close to the elections could leave insufficient time for other electoral

preparations, and reiterated calls for authorities to introduce standard technical criteria to enhance the Constituency Boundaries Commission's impartiality and independence in drawing electoral boundaries.

## B. Political Pluralism and Participation

**B1** 0-4 pts

**Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?**

**4/4**

Political parties can organize freely, and operate unhindered. However, electoral financing is not regulated, there is no legal obligation to disclose funding sources, and there are no limits on campaign spending.

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

**4/4**

Opposition parties operate without undue interference. Political power has alternated between the PLP and the FNM since the country achieved independence from the United Kingdom in 1973.

**B3** 0-4 pts

**Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?**

**4/4**

Voters and candidates are generally able to exercise their political choices freely. However, a lack of campaign finance regulations leaves open the possibility for the outsized role of money in politics.

**B4** 0-4 pts

**Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?**

**4/4**

Protracted and obscure citizenship and naturalization proceedings continue to affect the rights, including political rights, of people born in the Bahamas to foreign parents.

Cultural norms may discourage women from participating in politics, and though the 2017 polls saw an increase in women candidates, women remain underrepresented. The government and political parties generally have not taken specific action to encourage the political participation of women.

## C. Functioning of Government

**C1** 0-4 pts

**Do the freely elected head of government and national legislative representatives determine the policies of the government?**

**4/4**

Freely elected officials are generally able to determine national policies in a free and unhindered manner.

**C2** 0-4 pts

**Are safeguards against official corruption strong and effective?**

**3/4**

The country's anticorruption mechanisms are relatively weak, and there is no agency specifically empowered to handle allegations of government corruption. Domestic

transparency advocates have alleged that widespread government corruption has been a significant contributor to a recent economic downturn. The Minnis government has initiated several prosecutions of government officials suspected of corruption.

**C3** 0-4 pts

Does the government operate with openness and transparency?	3/4
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Government procurement lacks transparency and political parties and campaigns are not required to disclose their finances. A long-awaited Freedom of Information Act was passed in February 2017 but lacked key provisions, including whistleblower protection.

Legislators and other high-ranking public officials are required to disclose their income and assets under the Public Disclosure Act of 1976, but the requirements are not well enforced.

## Civil Liberties

### D. Freedom of Expression and Belief

D1. Are there free and independent media? 3 / 4

Press freedom in the Bahamas is constitutionally guaranteed and generally respected in practice. However, defamation is still considered a crime. The country’s privately owned newspapers and radio broadcasters freely express a variety of views, although partisanship is not uncommon in many media outlets, and the government has been accused of favoring state-owned media through advertising funds.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic institutions are generally free from political pressure and other interference.

**D4** 0-4 pts

**Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?**

**4** / 4

People can freely express personal views in private and in public. Defamation is still considered a criminal offense punishable with imprisonment, but this law is rarely invoked.

## **E. Associational and Organizational Rights**

**E1** 0-4 pts

**Is there freedom of assembly?**

**4** / 4

Freedom of assembly is protected by the constitution, and the government respects this right in practice.

**E2** 0-4 pts

**Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?**

**4** / 4

Freedom of association is generally protected, and there is no specific legislation governing registration procedures for civil society organizations. A variety of nongovernmental organizations operate in the country.

**E3** 0-4 pts

**Is there freedom for trade unions and similar professional or labor organizations?**

**4/4**

Labor, business, and professional organizations are generally free from government interference. Unions have the right to strike, and collective bargaining is prevalent.

## F. Rule of Law

**F1** 0-4 pts

**Is there an independent judiciary?**

**4/4**

The judicial system is headed by the Supreme Court and a court of appeals, with the additional right of appeal to the Privy Council in London under certain circumstances. The Bahamian judiciary is predominantly independent, and there have been no major reports in recent years of attempts to use political or other influence to secure favorable rulings.

*Score Change: The score improved from 3 to 4 because the judiciary is generally independent, and there have been no major reports of individuals seeking to leverage political or other influence to secure favorable rulings.*

**F2** 0-4 pts

**Does due process prevail in civil and criminal matters?**

**3/4**



Due process in civil and criminal matters generally prevails. However, the government only appoints counsel to defendants in capital cases, leaving some people without legal representation.

Additionally, in 2017, rights groups reported that a number of migrants were detained without being granted access to legal counsel or bail, and that their cases did not go before courts within the legally required 48 hours. At least two Bahaman-born children, according to the groups, were deported to Haiti with their mother under such circumstances. There were reports of police entering the homes and shelters of migrants without probable cause, and sometimes soliciting bribes.

*Score Change: The score declined from 4 to 3 due to persistent reports of authorities denying migrants due process under the law.*

**F3** 0-4 pts

<b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b>	<b>4/4</b>
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Homicide and violent crimes rates in the Bahamas continue to be among the highest in the region. However, state security agents generally do not engage in the illegal use of force against civilians, and the population is not threatened by large-scale violence or insurgencies.

Prison conditions are poor, and reports of violence against prisoners by guards continue

**F4** 0-4 pts

<b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b>	<b>2/4</b>
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The Constitution does not grant equal rights between men and women in the transmission of nationality to their children and spouses, effectively denying many Bahaman-born people the rights and access to services associated with citizenship.

Despite a change in government, the harsh immigration policies enacted in 2014 are still in effect, and police actions against migrants surged after Prime Minister Minnis announced that all irregular migrants had until December 31, 2017, to become regularized, or be “aggressively pursued and deported.” A serious backlog of Bahamian nationality applications for individuals of Haitian descent born in the Bahamas has become more problematic in face of this context. Allegations of inhumane conditions at migrant detention centers have persisted. Civil society groups have reported that individuals held at Carmichael Road immigration detention center are often unable to receive family visits, and guards have forced them to pay to receive food or other supplies brought by family members. Increased enforcement of immigration measures, and aggressive rhetoric from Minnis and others, have served to exacerbate stigma and discrimination against Haitian-Bahamans and Haitian migrants.

Discrimination based on sexual orientation or gender identity is not prohibited by law, and LGBT (lesbian, gay, bisexual, and transgender) people report discrimination in employment and housing.

## G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	3/4
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The freedom of movement is protected. However, the immigration policies adopted by the previous government are still enforced and have had an impact on people of Haitian descent in the exercise of their individual rights, including their ability to move freely and choose their places of employment and education. In 2017, roadblocks were erected in some places as part of an immigration crackdown.

G2 0-4 pts

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**Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?**

**4/4**

The country has a strong private sector and the economy relies mostly on tourism and financial services. <sup>1</sup> Individuals are free to establish businesses subject to legal requirements.

**G3** 0-4 pts

**Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?**

**3/4**

The government does not place explicit restrictions on social freedoms. Violence against women, including domestic violence and marital rape, constitutes a serious issue in the country. The government has taken steps to address this issue, including by establishing the Department of Gender and Family Affairs in 2016.

Same-sex sexual activity is legal.

**G4** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**3/4**

The Bahamas is a source, destination, and transit country for men, women, and children for forced labor and sexual exploitation. The government fully complies with minimum international standards to address the problem and has made significant efforts to prosecute traffickers. Migrant workers, many of whom arrive in the Bahamas to work in agricultural and domestic service industries, are particularly vulnerable to exploitation.

## Footnotes

- 1 [http://www.caribbeanhotelandtourism.com/wp-content/uploads/data\\_center/...](http://www.caribbeanhotelandtourism.com/wp-content/uploads/data_center/...)



### On The Bahamas

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## Country Facts

Global Freedom Score

**91/100** Free

### Other Years

2020

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